

# The Gazette of India

EXTRAORDINARY

PART II—Section 2

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**LOK SABHA**

The following Bills were introduced in Lok Sabha on the 21st March, 1958:—

BILL No. 89 OF 1957

*A Bill further to amend the Representation of the People Act, 1951.*

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 19 .

Short title  
and com-  
mencement.

(2) It shall come into force at once.

43 of 1951. 2. In sub-section (5) of Section 55A of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act) the words and figure "and clause (a) of Section 82" shall be added at the end.

Amendment  
of section  
55A.

3. After clause (b) of Section 82 of the principal Act, the following shall be added namely:—

Amendment  
of section  
82.

*"Explanation: A contesting candidate who has retired from contest for an election to a Parliament or State Assembly constituency under Section 55A shall not be deemed to be a contesting candidate for the purpose of clause (a)"*

4. In Section 116A of the principal Act,—

Amendment  
of section  
116A.

(i) after sub-section (1), the following shall be inserted, namely:—

*"(1A) Subject to the provisions of sub-section (1) and notwithstanding any other law for the time being in force and notwithstanding anything contained in Article*

226 of the Constitution no High Court shall entertain any appeal, revision, writ application or other proceeding of any nature whatsoever against any interlocutory or other order passed by an Election Tribunal in any election petition filed before the Election Tribunal under the provisions of Part VI of this Act. Any order passed by an Election Tribunal other than an order passed under Sections 98 or 99 at the conclusion of the trial of an election petition shall be deemed to be an interlocutory or other order for the purpose of this sub-section.

“(IB) Any error, defect or irregularity in any order passed by an Election Tribunal affecting its decision finally given under Sections 98 or 99 may be made a ground of appeal under Section 116A, but save as otherwise provided by this sub-section any such order passed by an Election Tribunal shall not be questioned in any High Court except in an appeal filed under Section 116A or in the Supreme Court except in appeal that may be admitted under Article 136 of the Constitution from the decision in an appeal given by a High Court under Section 116B.”; and

(ii) sub-section (4) shall be omitted.

(iii) after sub-section (5), the following shall be inserted, namely:—

“(6) (a) Any proceeding pending in any High Court on the day on which this Act comes into force either by way of revision, writ or other petition of any nature whatsoever arising out of an election petition other than an appeal filed under Section 116A against a final order under Sections 98 or 99 shall abate; and

(b) Notwithstanding the abatement of any proceeding referred to in clause (a), any error, defect or irregularity in any order passed by an Election Tribunal affecting the final decision under Sections 98 or 99 may be made a ground of attack in any appeal that is filed under this Section.”

## STATEMENT OF OBJECTS AND REASONS

The election petition filed in various States after the General elections in 1957 have proved that even after the amendment effected by the Representation of the People (Amendment) Act, 1956 (Act 27 of 1956) election disputes are being dragged on and section 90(6) of the Act which requires that the trial of an election petition should conclude within six months from the date of the publication of the copy of the petition in the official Gazette is now a dead letter. In several cases every interlocutory or other order passed during the trial of an election petition and before the passing of the final order is questioned by a writ in the High Court and by a further appeal to the Supreme Court and the trial of the election petition is stayed till the writ from the interlocutory or other order is disposed of.

2. From the point of view of the public it is not advisable that an election petition should be kept pending for a long time. The object of this Bill is to put an end to writs from interlocutory or other orders and permit the parties to agitate all errors, defects or irregularities affecting the decision of the case only in the appeal that can be filed from the final orders passed by the Election Tribunal under Sections 98 or 99 of the Representation of the People Act, 1951. The Bill also seeks to put an end to controversies by enacting that a candidate who has retired from contest under Section 55A is not a contesting candidate. This Bill further seeks to take away the power of the High Court to grant stay orders where any election is declared void.

K. T. K. TANGAMANI.

NEW DELHI;

*The 14th November, 1957.*

## BILL No. 10 OF 1958

*A Bill further to amend the States Reorganisation Act, 1956.*

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called the States Reorganisation (Amendment) Act, 1956. Short title.

37 of 1956. 2. In section 51 of the States Reorganisation Act, 1956, the following explanation shall be added at the end:— Amendment of section 5

“*Explanation.*—Notwithstanding anything contained in this section or any other law for the time being in force or any notification, rules or orders issued by the Chief Justice of any of the High Courts in any State, Judges and Division Courts of the High Court for a State sitting at places other than the principal seat of the High Court whether under sub-section (2) or sub-section (3) shall have power and jurisdiction to receive appeals, original petitions and other proceedings presented or filed at the place of their sitting under sub-section (2) or sub-section (3).”

## STATEMENT OF OBJECTS AND REASONS

Section 51 of the States Reorganisation Act, 1956 provides for the principal seat and other places of the sittings of the High Courts for the new States. In pursuance of section 51(3) of the States Reorganisation Act, various States like Bombay, Madhya Pradesh and Kerala provide for the functioning of the Circuit Benches at places other than the principal seat of the High Court. But whereas the Circuit Bench of Kerala High Court has no jurisdiction to receive appeals, original petitions and other papers, the Circuit Benches of the High Courts at Bombay and Madhya Pradesh do receive such appeals or petitions. The present Amendment is intended to achieve uniformity in the procedure followed by the various High Courts in this regard.

S. EASWARA IYER.

NEW DELHI;

*The 28th February, 1958.*

## BILL NO. 26 OF 1958

*A Bill to provide for curtailment of expenditure on social customs and for matters connected therewith.*

BE it enacted by the Parliament in the Ninth Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Social Customs (Curtailment of Expenditure) Act, 19 .

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force atonce.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) 'social customs' means festivities and rituals connected with birth, marriage and death.

(b) 'avoidable expenditure' means expenditure above the prescribed limit.

(c) 'prescribed' means prescribed by rules made by Government under this Act.

(d) 'recognised' means recognised for investment in National Plan Loans.

Punishment.

3. (a) Whoever incurs avoidable expenditure on social customs shall be liable to deposit as fine double the amount spent in excess of the prescribed limit in any of the various forms of recognised investments.

(b) Whoever contravenes provisions under sub-clause (a) shall be punishable with simple imprisonment for three months or fine or with both.

4. A prosecution under this Act may be initiated by any private individual or the Government on its own motion. Initiation of  
prosecution.

5. All rules to carry out the purposes of this Act shall be made by the Central Government and shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following. Power to  
make rules.

### STATEMENT OF OBJECTS AND REASONS

India needs for her development much more money than what is available from internal sources. Lavish expenditure on observance of social customs such as those connected with birth, marriage and death cannot therefore have any justification in the present state of economy. It is, therefore, desirable that all avoidable expenditure on these heads be diverted to investments for purposes of National uplift. With a view to give a fillip to savings and investment and to mobilise and strengthen the public opinion in the matter, it is necessary to provide for a certain degree of legal pressure on the mind of society.

Hence the Bill.

NEW DELHI;  
*The 8th February, 1956.*

JHULAN SINHA.



### MEMORANDUM REGARDING DELEGATED LEGISLATION

In clause 5, it is proposed to delegate powers to the Government to make rules for fixing the amount required to be spent on social customs. The delegation of legislative power to Government is of a normal type.

## BILL No. 12 OF 1958

*A Bill further to amend the Prevention of Food Adulteration Act, 1954.*

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Prevention of Food Adulteration (Amendment) Act, 1954.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Amendment  
of section 20.

2. In section 20 of the Prevention of Food Adulteration Act, 1954<sup>37 of 1954</sup> (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Notwithstanding anything contained in this Act or in any other law for the time being in force, an offence under this Act shall be triable summarily according to the procedure prescribed for summary trials under the Code of Criminal Procedure, 1898.”

5 of 1898.

Insertion of  
new section  
21A.

3. After section 21 of the principal Act, the following section shall be inserted, namely:—

Public flog-  
ging in  
certain cases.

“21A. It shall be lawful for the trying court to inflict the punishment of public flogging if the offence is held to be a deliberate or a persistent one.”

## STATEMENT OF OBJECTS AND REASONS

Adulteration of food in the country exists even after the enactment of the Prevention of Food Adulteration Act, 1954. The offenders require to be dealt with more harshly and the trial of offences made expeditious by adopting the summary procedure. The Bill is intended to achieve this object.

NEW DELHI;

JHULAN SINHA.

*The 8th February, 1958.*

## BILL No. 14 of 1958

*A Bill further to amend the Mirzapur Stone Mahal Act, 1886.*

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Mirzapur Stone Mahal (Amendment) Act, 19 .

(2) It extends to the whole of India.

(3) It shall come into force at once.

Amendment  
of section 3.

2. In section 3 of Mirzapur Stone Mahal Act, 1886, the following v of 1886.  
definition shall be added at the end, namely:—

‘(8) “stone” means sand stone.’

## STATEMENT OF OBJECTS AND REASONS

In Mirzapur Stone Mahal Act, 1886 the word "stone" is not defined. In Mirzapur area only sand stones are available which are better known since time immemorial as Chunar stone. The object of the Bill is to define the particular kinds of stone available in Mirzapur district.

RAGHUNATH SINGH.

NEW DELHI;

*The 10th February, 1958.*

## BILL No. 24 OF 1958.

*A Bill further to amend the Union Territories (Laws) Act, 1950.*

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title  
and com-  
mencement.

1. (1) This Act may be called the Union Territories (Laws) Amendment Act 1958.

(2) It shall come into force at once.

Amendment  
of section 3.

2. In sub-section (2) of section 3 of the Union Territories (Laws) Act 1950, the proviso shall be omitted.

30 of 1950.

## STATEMENT OF OBJECTS AND REASONS

According to the Union Territories (Laws) Act, 1950, the age of female is lowered from eighteen to fifteen in section 361, from sixteen to fourteen in clause 'fifthly' and from fifteen to thirteen in the exception in section 375 of the Indian Penal Code, 1860 in its applicability to the Union Territory of Manipur.

2. The effect of lowering the age to 15 years in relation to section 361 of the Indian Penal Code, 1860, is that divorce becomes very common in Manipur. It has also its harmful effect on the society as it encourages early marriages. Lowering the age of discretion to 15 years is also in conflict with clause (vi) of section 5 of the Hindu Marriage Act, 1955 which states that the consent of the guardian of the bride shall be obtained in marriage, if she has not completed the age of eighteen years.

3. As regards the application of section 375 of the Indian Penal Code, 1860 to Manipur there is no reason why females of Manipur should be treated differently from the females in the rest of India. Females who are under sixteen years of age are incapable of judging things correctly. The present Act which lowers the age of wife from 15 to 13 in the exception to section 375 of the Indian Penal Code, 1860 is also in conflict with clause (iii) of section 5 of Hindu Marriage Act, 1955 which states that the bridegroom must have completed the age of eighteen years and the bride the age of fifteen years at the time of marriage.

Hence the Bill.

LAISRAM ACHAW SINGH

NEW DELHI;  
The 11th February, 1958.

## BILL No. 13 OF 1958

*A Bill to provide for restraining the taking or giving of dowry in connection with marriages and for matters incidental thereto.*

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title,  
extent, com-  
mencement  
and applica-  
tion.

1. (1) This Act may be called the Dowry Restraint Act, 19 .

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It shall apply in the first instance to Hindus, Buddhists, Sikhs and Jains, but the Central Government may, by notification, direct that it shall apply to members of any other community also.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “dowry” means any property transferred or agreed to be transferred as a part of the contract of any betrothal or marriage by one party to the betrothal or marriage or the father, mother or guardian of that party to the other party to the marriage or to the father, mother or guardian of the other party, but does not include voluntary marriage gifts such as ornaments to a bride and dresses to a bridegroom, the value of which do not exceed one thousand rupees.

(b) “marriage” means a marriage between any two persons to whom this Act applies.



3. Any person who takes dowry shall be punishable with simple imprisonment which may extend to six months or with fine which may extend to the amount or value of the dowry taken or with both.

Penalty for taking Dowry.

4. Any person who gives dowry or abets the giving of dowry shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to one thousand rupees or with both.

Penalty for giving dowry or abetment thereof.

5. A person who at any time within three years after the solemnisation of a marriage to which this Act applies demands either directly or indirectly, from the parents or any other person who was the guardian of the woman before her marriage any payment which is in the nature of a dowry, shall be deemed to have committed an offence under section 3 of this Act and shall be punishable accordingly.

Penalty for dowry after solemnisation of marriage.

6. No court shall take cognizance of any offence punishable under this Act except on complaint made in this behalf provided that every such complaint shall be accompanied by a deposit of fifty rupees as security against false, vexatious or frivolous proceedings.

Cognizance of offence.

## STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to punish the taking or giving of dowries. This practice of accepting money from the parents or guardians of the bride or the bridegroom by either party has done tremendous harm to the society. Parents sometimes incur heavy debts in paying this dowry. This Bill is therefore, designed to do away with the evil practice of dowry.

MOHAN SWARUP.

NEW DELHI;

*The 11th February, 1958.*

## BILL NO. 27 OF 1958

*A Bill to provide for restraining the taking or giving of dowry in connection with betrothals and marriages and for matters incidental thereto.*

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Restraint of Dowry Act, 1958. Short title, extent and commencement.  
(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. (1) It shall apply in the first instance to Hindus, Buddhists, Sikhs and Jains, but the Central Government may, by notification direct that it shall apply to members of any other community also. Application of Act.

(2) This Act shall also apply to:—

(a) all persons domiciled in India whether the marriage is performed within or without the area to which this Act extends;

(b) parties to the marriage, if either of them is domiciled in the areas where this Act applies;

(c) all marriages performed in such places as this Act apply even if neither of the parties to such marriages is domiciled in the area to which this Act extends.

*Explanation.*—For the purpose of this Act, the domicile of a person shall be determined in accordance with the provisions contained in sections 6 to 18 (both inclusive) of the Indian Succession

## Definitions.

3. In this Act, unless the context otherwise requires,—

(a) 'dowry' means moveable or immoveable property or valuable security transferred or agreed to be transferred as a consideration for the contract of any betrothal or marriage by one party to the betrothal or marriage or by any other person on behalf of that party to the other party to the betrothal or marriage or to any other person on behalf of the party, but does not include voluntary marriage gifts such as ornaments to a bride and dresses to a bridegroom, the value of which do not exceed three hundred rupees.

*Explanation.*—In this section 'valuable security' has the same meaning as in Section 30 of the Indian Penal Code.

(b) 'marriage' means a marriage between any two persons to whom this Act applies.

Penalty for taking dowry or abetment thereof.

4. Any person who takes dowry or abets the taking of dowry shall be punishable with simple imprisonment which may extend to one year or a fine which may extend to the amount or value of the dowry taken or with both.

Penalty for giving dowry or abetment thereof.

5. Any person who gives dowry or abets the giving of dowry shall be punishable with simple imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

Penalty for dowry after solemnisation of marriage.

6. Any person who at any time within three years after the solemnisation of a marriage to which this Act applies demands either directly or indirectly from the parents or any other person who was the guardian of the woman before her marriage any payment which is in the nature of a dowry, shall be deemed to have committed an offence under section 4 of this Act and shall be punishable accordingly.

Offences to be cognizable.

7. The offence under this Act shall be cognizable.

Cognizance of offences.

8. No court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act except on a complaint made within one year from the date of the offence.

Dowry to be held in trust for wife.

9. (1) Where a dowry was given before or after the commencement of this Act, such dowry shall be deemed to be the property of the woman in connection with whose marriage it was so given.

(2) Where a dowry is received by any person other than the woman in connection with whose marriage it was given and is not transferred by that person to the woman that person shall be deemed

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to hold it in trust for the benefit and separate use of that woman, and, if that woman dies before obtaining the transfer, for the benefit and separate use of her heirs as if it is stridhana property.

10. (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act. Power to make rules

(2) All rules made under this section shall be laid on the Table of the House as soon as possible after they are made, and shall be subject to such modifications whether by way of repeal or amendment as the House may make within fourteen days thereafter during the session in which they are so laid.

## STATEMENT OF OBJECTS AND REASONS

The objects of the Bill are:

- (1) to ensure dignity, equality and independence of women,
- (2) to mitigate the hardships of parents to get their daughters married, and
- (3) to guarantee free and equal choice in marriage and to ensure that neither of the contracting parties are subjected to humiliation or their self-respect degraded.

RENU CHAKRAVARTY.

NEW DELHI;  
*The 21st February, 1958.*

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

In clause 10, it is proposed to delegate to the Government to make rules for carrying out all or any of the purposes of the Act. The delegation of legislative power to the authority is of a normal type.

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M. N. KAUL,  
*Secretary.*

